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E-867  
1939  
UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE  
WASHINGTON, D. C.



# RULES AND REGULATIONS

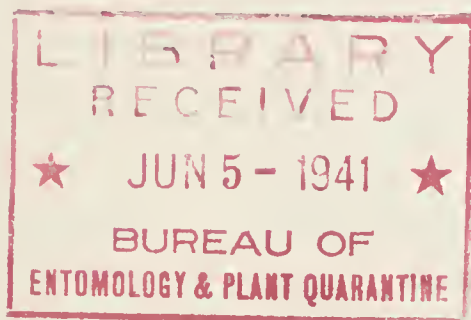
OF

## *Bureau of Entomology and Plant Quarantine*



1939 Supplement Chapter III, Title 7, of the  
Code of Federal Regulations

Effective December 31, 1939



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1911



## CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

### DEPARTMENT OF AGRICULTURE

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Gypsy Moth and Brown-Tail Moth

§ 301.45a *Administrative instructions; articles exempted from restrictions.* In accordance with the proviso in § 301.45 the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of §§ 301.45-1 to 301.45-10:

Acacia cuttings (for ornamental use) (*Acacia* spp.).

Banana stalks, when crushed, dried, and shredded.

Birch slabs for use as post cards.

Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.

Cable reels, when newly manufactured and empty.

Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).

Evergreen smilax (*Smilax lanceolata*).

Fuchsia (*Fuchsia* spp.).

Galax (*Galax aphylla*).

Geranium (*Pelargonium* spp.).

Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).

Heliotrope (*Heliotropium* spp.).

Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.

Jerusalem-cherry (*Solanum capsicastrum*, *S. pseudocapsicum*, *S. hender-soni*).

Leaves of deciduous and evergreen trees that have been treated or dyed.

Mistletoe (*Phoradendron flavescens*, *Viscum album*, etc.).

Oregon huckleberry (*Vaccinium ova-tum*).

Partridgeberry (*Mitchella repens*).

Strawberry plants (*Fragaria* spp.).

Trailing arbutus (*Epigaea repens*).

Verbena (*Verbena* spp.).

Wintergreen (*Gaultheria* spp., *Pyrola* spp.).

(Issued under § 301.45) [BEPQ 386 (5th rev.), Chief, BEPQ, Nov. 6, 1939; 4 F.R. 4522]

##### Subpart—Japanese Beetle

##### QUARANTINE

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle.* Existing methods authorized for the treatment of sand, soil, earth, peat, compost, manure, nursery stock, fruits, and vegetables for the elimination of the Japanese beetle have been revised and consolidated in this section. Methods outlined herein are to be employed as a basis of quarantine certification under §§ 301.48-5 to 301.48-7. The issuance of this section cancels the methods of treatment prescribed in BPQ 359 and its four supplements, BEPQ 473, BEPQ 475, and BEPQ 480.<sup>1</sup>

While no guarantee can be given that no injury will be caused to the commodity, the treatments are recommended only for those commodities which experience has shown were not seriously injured. It must be understood by the nurseryman and shipper that no liability shall attach either to the United States Department of Agriculture or to any of its employees in event of injury. The inspector must bring this condition of treatment and the facts in reference to the use of the chemicals to the attention

<sup>1</sup> BEPQ 475 and BEPQ 480 appeared as 7 CFR, 1938 Supp., 301.48-5a and 301.48-5b. A fourth supplement to BPQ 359 appeared at 4 F.R. 967.



of some responsible person at the nursery or shipping point before the treatments are applied.

Inspectors must familiarize themselves with cautions for each chemical.

GRADES REQUIRED AND CAUTIONS ON THE USE OF  
AUTHORIZED CHEMICALS

The chemicals authorized for the treatment of soil, nursery stock, fruits, and vegetables, especially carbon disulphide, carbon disulphide emulsion, ethylene oxide, hydrocyanic acid, and methyl bromide, are dangerous and proper care must be exercised in handling them. The facts in reference to these chemicals must be brought to the attention of some responsible person at the nursery or shipping point before the treatments are applied.

(a) *Carbon disulphide*. A technical, C. P., or U. S. P. grade is required. It should be stored in tight drums or cans in a cool, dry place.

The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide.

Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(b) *Carbon disulphide emulsion*. The required carbon disulphide emulsion consists of carbon disulphide, meeting the above requirements, mixed with an equal volume of a castor-oil-soap emulsifier which has been prepared according to the directions published in the Journal of Industrial and Engineering Chemistry, Volume 20, pages 849-850, August 1929.

The carbon disulphide and the castor-oil-soap emulsifier should be obtained in separate containers. The emulsion must never be prepared in a large quantity. It should be prepared in the field as it is used. In preparing the stock emul-

sion, equal volumes of carbon disulphide and the emulsifier are mixed. This stock emulsion, when diluted with the required amount of water, forms the treating solution.

Carbon disulphide emulsion, even after dilution, is inflammable. The precautions given for handling carbon disulphide must be observed.

(c) *Ethylene oxide*. A technical, C. P., or U. S. P. grade is required.

The vapor of ethylene oxide is inflammable and explosive. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near ethylene oxide.

Ethylene oxide is not highly toxic to man. Continued exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(d) *Hydrocyanic acid*. Commercial liquid hydrocyanic acid, 96 to 98 percent HCN, or this material absorbed on fiber discoids (which are divided into two units, each comprising a series of discoids held together in the form of a chain) in a can containing 6½ ounces of HCN, or calcium cyanide, 88 percent pure, are required. The cylinders and cans of these cyanide products should be stored in a cool, dry place.

Gaseous hydrocyanic acid is inflammable and explosive. All fire and unprotected brush-type motors must be kept from contact with the gas. Lighted cigars, cigarettes, or pipes should never be carried. In addition it is known that liquid hydrocyanic acid undergoes decomposition on long storage in a closed container. It is advisable that only sufficient of these cyanide products be procured for the season's work. The residue left after fumigation with calcium cyanide is dangerous and great care must be exercised in disposing of it.

Hydrocyanic acid is a violent poison. Inhaling hydrocyanic acid gas or absorbing it through the skin is very dangerous and must be avoided. A suitable gas mask and rubber gloves must be worn at all times when handling hydrocyanic acid, or calcium cyanide, and when opening the hatches of fumigated

cars for aeration. If it is absorbed by the system, prompt action may prevent serious consequences. The established principles of first aid in HCN poisoning are: (1) Induce continued heavy breathing of fresh air by artificial respiration, using the Shaefer (prone pressure) method; (2) neutralize the gas poisoning with weak ammonia fumes or aromatic spirits of ammonia; (3) call a physician. Small bottles of ammonium carbonate, as the source of ammonia fumes, should be readily available as an inhalant at all times.

(e) *Lead arsenate*. Lead arsenate which satisfies the standard requirements of the chemical for use as an agricultural spray is required. It should contain at least 30 percent arsenic pentoxide, and not more than 0.75 percent water-soluble metallic arsenic. It should be obtained in powdered form to which no stickers have been added. Lead arsenate should be stored in a dry place that is not accessible to animals.

Lead arsenate is poisonous to man and animals. When applying the material, the worker should wear gloves to protect his hands, since the poison may be absorbed into the system through cuts and abrasions of the skin. The worker should keep his hands away from his mouth at all times while handling the material and be sure to wash thoroughly before eating. If absorbed by the system, call a physician, give an emetic such as warm water and mustard, and give milk or white of egg.

(f) *Methyl bromide*. The commercial grade is required. Containers of methyl bromide should be stored in a cool, well-ventilated place. Avoid leakage by seeing that the valves on the cylinders are tightly closed.

Methyl bromide is a gas at ordinary temperatures. As it has only a very slight odor, toxic concentrations of methyl bromide may be encountered and the persons so exposed may be unaware of the danger. While methyl bromide is not so toxic as hydrocyanic acid, it is dangerous to inhale the gas or to get the liquid in contact with the skin. Rubber gloves should be worn while releasing the liquid methyl bromide either from cylinders or applicators.

CAUTION: Rubber gloves absorb methyl bromide which may result in skin injury if they are worn continuously.

(g) *Naphthalene*. Flake naphthalene, free from tar, is required.

Naphthalene is not explosive and it burns only with difficulty. It is advisable, however, to keep the material in the solid and gaseous form away from fire.

Long exposure to naphthalene may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(h) *Paradichlorobenzene*. A technical or C. P. grade of small to medium size crystals is required.

Paradichlorobenzene burns only with difficulty. It is advisable, however, to keep the material from fire. Long exposure to the gas may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

#### TREATMENT OF SOIL IN ABSENCE OF PLANTS

(i) *Potting soil*. Potting soil must be treated by the use of heat, carbon disulphide, naphthalene, or lead arsenate.

Fumigated or heat-treated soils should be aerated to remove excessive fumigant or heat before using for potting plants. When stored, the soil must be kept and handled in such a manner as to prevent reinfestation. When stored for a long time, without aeration, it is advisable to thoroughly mix the upper and lower layers in the bin. When used as recommended, these treatments do not impair the fertility of the soil.

Lead arsenate treatments are more limited in their application because of the susceptibility of some nursery plants to arsenical poisoning. E-418 of the Bureau of Entomology and Plant Quarantine gives some information on the susceptibility of nursery plants to lead arsenate in the soil.

(1) *Heat treatment*—(i) *Condition and type of soil*. Soil of any type may be treated, provided it is friable.

(ii) *Temperature*. The soil must be heated throughout to 130° F.

(iii) *Period of treatment*. The temperature of the soil must be maintained at 130° F. for 30 minutes.



(2) *Carbon disulphide fumigation*—(i) *Equipment*. A gas-tight bin or box is required. It is necessary to have the top, sides, and bottom tight.

(ii) *Condition and type of soil*. Soil of any type may be fumigated, provided it is friable and thrown loosely into the bin or box. Wet soil must never be fumigated.

(iii) *Temperature*. The temperature must be at least 45° F. when the fumigant is applied and must not fall below 40° F. during the course of the treatment.

(iv) *Dosage*. One pound (352 cubic centimeters) to 1 cubic yard.

(v) *Application*. One method is to apply the fumigant while the soil is being put into the bin or box. Place 18 inches of soil in the bin or box. Inject carbon disulphide at the rate of 176 cubic centimeters for each square yard of surface, distributing the material uniformly in holes 2 inches deep and 18 inches apart, using 44 cubic centimeters to each hole. Fill the holes with soil immediately after the liquid is injected. When the first 18 inches of soil have been treated, put in 18 inches more and repeat the operation. This can be repeated until the container is filled.

Another method is to apply the fumigant after the box or bin has been filled. This is done by making holes from the surface to the different levels, so that the carbon disulphide is applied in the same positions as by the first method. The liquid, in this case, must be poured into the deep holes through a tube, or injected to insure that it reaches the proper level.

(vi) *Period of fumigation*. The box or bin must be sealed and left undisturbed for 48 hours.

(3) *Naphthalene fumigation*—(i) *Equipment*. No special equipment is necessary. It is not necessary to cover the soil.

(ii) *Condition and type of soil*. Soil of any type may be fumigated, provided it is friable. Wet soil must never be fumigated.

(iii) *Temperature*. The temperature must be at least 50° F.

(iv) *Dosage*. Five pounds to 1 cubic yard.

(v) *Application*. The fumigant must be thoroughly mixed with the soil, and the soil then placed in a pile.

(vi) *Period of fumigation*. The soil must be left undisturbed for 1 week.

(4) *Lead arsenate treatment*—(i) *Season*. The treatment must be applied before August 1.

(ii) *Condition and type of soil*. The soil must be friable. Wet soil must never be treated. The treatment is recommended only for soils which are slightly acid or neutral in reaction. Any type of soil may be treated provided it meets these requirements.

(iii) *Dosage*. Two pounds to 1 cubic yard.

(iv) *Application*. The lead arsenate must be thoroughly mixed with the soil.

(v) *Period of treatment*. Plants freed from soil and potted in soil treated in the above manner by August 1, may be certified for shipment between the following October 1 and June 15.

(vi) *Handling of potted plants*. When plants potted in lead-arsenate-treated soil are plunged in beds or set in frames exposed to possible infestation, the soil of these beds or frames must previously have been treated with lead arsenate at the rate of 1,500 pounds per acre.

(vii) *Treated plants carried after June 15*. When plants potted in soil treated as prescribed are carried after June 15, they may be again eligible for certification between October 1 and June 15 of the second year if, on August 1 of the second year, analyses show the soil to contain lead arsenate at the rate of 2 pounds per cubic yard.

(j) *Shipments of sand, soil, earth, peat, compost, and manure*. Shipments of sand, soil, earth, peat, compost, and manure must be treated by the use of heat or carbon disulphide. The instructions given in (i) (1) and (i) (2) must be followed.

(1) *Type of car*. Tight box cars must be used between June 15 and October 15, inclusive, and may be used at other times of the year. Open freight cars, of the steel gondola type, may be used between October 16 and June 14. In cars of this type, with dump bottoms, planks must be laid on the bottoms and



covered with heavy paper, in a manner approved by the inspector.

(2) *Doors.* The doorways of box cars must be boarded up and covered with heavy paper up to a point beyond the height of the sand, soil, etc. Certified cars must have the doors closed and fastened while en route within the regulated area.

(3) *Depth of sand, soil, etc.* In box cars, the sand, soil, etc. must not be loaded to such a depth as would restrict the overhead working space and hamper the work of the men applying the treatment. In the open type cars, the material should not be piled above the sides of the car.

(4) *Covering with canvas, etc.* When open type cars are used, canvases or heavy paper must be used to cover the surface as the treatment is applied. These covers must be free from holes and a foot or more wider than the width of the car. Where several pieces are used, they must be large enough to allow for overlapping at least 1 foot. The covers must be fastened down at the sides of the car and weighted on the surface, particularly where they overlap.

(k) *Soil in and around coldframes, plunging beds, and heeling-in areas.* Soil in and surrounding coldframes, plunging beds, heeling-in areas, etc., must be treated with lead arsenate, except, under special conditions, when the inspector may authorize the use of heat, carbon disulphide, carbon disulphide emulsion, or naphthalene. With the exception of lead arsenate, the treatment must not be applied when adult beetles are present. An exception may be made in the case of beds protected from beetles.

*Safety zone:* In addition to the area desired to be certified, a strip 3 feet wide must be treated around the entire coldframe, plunging bed, or heeling-in ground. No plants will be certified from this strip. In the case of coldframes, etc., extending into the ground to a depth of 12 inches or more, no safety zone is required.

*Marking:* In the case of coldframes, etc., having fixed boundaries, proper designations will be made on them by the Department representatives. In all other cases, the nurseryman shall furnish suitable stakes, at least 4 inches

square and 30 inches long, to be placed at the boundaries of the certified plots and marked by the Department.

(1) *Lead arsenate treatment*—(i) *Season.* The treatment must be applied before August 1 if the land is to be used in the fall.

(ii) *Condition of soil.* The soil must be friable and in good tilth.

(iii) *Dosage.* Thirty-five pounds to each 1,000 square feet, or 1,500 pounds per acre. For subsequent re-treatments, the quantity required to restore the original concentration, as determined by chemical analyses, must be applied.

(iv) *Application.* The lead arsenate must be thoroughly mixed and incorporated with the upper 3 inches of soil.

(v) *Period of treatment.* Plants must not be placed on or in the soil thus treated until after October 1.

(2) *Heat treatment.* Hotbeds, equipped with steam pipes or electrical resistance coils in the soil, may be treated by heating the soil to at least 130° F. and maintaining this temperature for 30 minutes.

(3) *Carbon disulphide fumigation*—(i) *Equipment.* A heavy paper, or other gas-proof cover, must be provided to cover the soil during the fumigation period.

(ii) *Condition of soil.* The soil must be friable and in good tilth. A wet soil must never be treated.

(iii) *Temperature.* The temperature of the soil at a depth of 6 inches must be at least 45° F. when the fumigant is applied, and must not fall below 40° during the period of treatment.

(iv) *Weather conditions.* The ideal conditions are a warm, humid atmosphere without wind.

(v) *Dosage.* Six pounds (2,100 cubic centimeters) to 100 square feet of surface.

(vi) *Application.* Carbon disulphide must be uniformly distributed over the surface of the bed, plot, or heeling-in area. Apply it in holes 12 inches apart and 1 to 2 inches deep, putting 21 cubic centimeters into each hole. Fill each hole with soil immediately after the liquid is poured. Cover each section as soon as the fumigant is applied.

(vii) *Period of treatment.* The soil must remain covered for 48 hours.

(4) *Carbon disulphide emulsion treatment*—(i) *Equipment*. Suitable tanks, barrels, or tubs for preparing the emulsion and 24-gage galvanized-iron collars 10 inches wide and not more than 4 feet square, for applying the treatment, must be provided.

(ii) *Condition of soil*. The soil must be friable. The surface must be level and not disturbed by recent cultivation. Drainage conditions must be such that the solution does not disappear from the surface in less than 10 minutes or more than 5 hours.

(iii) *Temperature*. The temperature of the soil at a depth of 6 inches must be at least 45° F. when the treatment is applied, and must not fall below 40° during the period of the treatment.

(iv) *Dosage*. Two and one-half gallons of dilute emulsion to each square foot. The concentration is dependent upon the temperature. Follow table 3 of paragraph (m) (2).

(v) *Application*. Level the surface of the soil, removing weeds and debris. Force a galvanized-iron collar 3 inches into the ground, and firm the soil against the metal. Place another collar next to the first, and so on. When enough collars are in place, pour the dilute emulsion into the basins formed within the collars. As soon as the liquid has disappeared from the surface, the collar may be lifted and set in another position.

(vi) *Period of treatment*. The soil must not be disturbed for 48 hours.

(5) *Naphthalene fumigation*—(i) *Condition of soil*. The soil must be friable and in good tilth.

(ii) *Temperature*. The temperature of the soil at a depth of 6 inches must not be less than 50° F. during the period of the treatment.

(iii) *Dosage*. Forty-six pounds to 1,000 square feet, or 2,000 pounds per acre.

(iv) *Application*. The naphthalene must be thoroughly mixed and incorporated with the upper 3 inches of soil.

(v) *Period of treatment*. The soil must not be disturbed for 1 week.

#### TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

The effect of insecticidal treatments on plants, when applied to soil about their roots, varies with the variety, age, vigor, and condition of the plants. It

should be understood that these treatments have not been tried on all varieties of plants, or under all of the varied conditions in the nurseries. In general, it is not possible to destroy an insect in close proximity to the roots without causing some damage to the plant. While guarantees can not be given that no injury will be caused to the plants, the treatments are recommended only for those plants which experience has shown were not seriously injured. It must be understood by the nurseryman that no liability shall attach either to the United States Department of Agriculture or to any of its employees in event of injury.

After all treatments, the plants must be handled in such a manner as to prevent reinfestation.

(1) *Treatment of plants after digging*—(1) *Removal of infestation*. With some deciduous and herbaceous plants, infestation can be removed by shaking and washing all soil from the roots. Only such root masses as can be thoroughly examined and absence of infestation verified may be certified by this procedure.

(2) *Hot-water treatment*—(i) *Equipment*. A water tank, equipped with a suitable heating device and circulating system, must be provided.

(ii) *Temperature*. The water must be maintained at 112° F., with a variation of not more than  $\pm 0.5^\circ$ . Before the plants are immersed, thermometers must be inserted in the center of at least three of the largest clumps, baskets, or root masses placed at each end and at the center of the tank. In addition, three thermometers must be placed in the water of the tank in the same relative positions as those in the root masses. Temperature readings from each of these thermometers must be recorded on Form No. 91.

(iii) *Application*. The root masses must be immersed completely.

(iv) *Period of treatment*. Seventy minutes after the root masses are heated to 112° F.

(v) *Varieties of plants*. The varieties which have been treated successfully by this procedure are given in Technical Bulletin 274.

(vi) *Preparation of plants*. Large clumps should be divided as much as pos-



sible without injuring the roots. Excess soil should be removed and the roots pruned. Small plants and root stocks may be packed loosely in wire baskets or in other suitable containers, *Provided*, The water can circulate through the masses. Large plants must be placed individually in the water.

(vii) *Care of plants after treatment.* Plants should be cooled slowly to room temperature. Pot or heel them in the ground as soon as possible after cooling. Tubers should be dry when packed. Avoid subjecting treated plants to freezing temperatures shortly after treatment.

(3) *Carbon disulphide emulsion dip—*

(i) *Equipment.* Water-tight tanks or tubs must be provided.

(ii) *Temperature.* The temperature of the dip must be maintained between 65° and 70° F.

(iii) *Dosage.* Forty-five cubic centimeters of carbon disulphide emulsion to 10 gallons of water. The treating solution must be prepared immediately before using.

(iv) *Application.* The root masses must be immersed completely.

(v) *Period of treatment.* The root masses must be immersed 24 hours.

(vi) *Varieties of plants.* The varieties which have been treated successfully by this procedure are given in Technical Bulletin 478.

(vii) *Preparation of plants.* Large clumps should be divided as much as possible without injuring the roots. Excess soil should be removed. No wet root masses or root masses measuring more than 6 inches across the narrowest dimension must be treated. The temperature of the root masses must be at least 60° F. before treatment. Small plants and root stocks may be packed loosely in wire baskets or other suitable containers, provided the dipping solution can circulate through the masses. Larger root masses must be placed individually in the dip.

(viii) *Care of plants after treatment.* Tubers should be dry when packed. Avoid subjecting treated plants to freezing temperatures shortly after treatment. It is advisable to allow plants which are to be potted to stand in the open to permit evaporation of the fumigant before placing them in soil.

(4) *Paradichlorobenzene fumigation—*  
(i) *Season.* The treatment must be applied between October 1 and May 1.

(ii) *Varieties of plants.* The following varieties of plants have been treated successfully by this procedure: *Aquilegia* sp. var. Mrs. Scott Elliott's hybrid, *Anemone hupehensis*, *Artemisia dracunculoides*, *Azalea amoena*, *A. kaempferi* vars. Cleopatra, Fedora, Othello, and Salmon Beauty, *A. hinodegiri*, *A. obtusa kiusiana* var. Coral Bells, *Aster alpinus*, *Campanula medium*, *Ceratostigma plumbaginoides*, *Chrysanthemum* sp., *Dianthus caryophyllus* var. Abbotsford Pink, *Digitalis purpurea*, *Eupatorium coelestinum*, *Helianthemum glaucum croceum*, *Iberis amara*, *Myosotis* sp., *Pachysandra terminalis*, *Phlox* sp. var. R. P. Struthers, *Santalina chamaecyparissus incana*, *Sedum acre*, *Sempervivum alberti*, *Stokesia laevis*, *Thymus serpyllum*, *Viola* sp. vars. Jersey Gem and Rosina.

(iii) *Preparation of plants.* Excess soil should be removed and the mass reduced as much as possible without injuring the roots. The plant ball should be moist, but not wet. Pots must be removed from potted plants. When burlap on balled plants is of coarse weave, it may be left on the balls, but when it is closely woven, it must be removed.

(iv) *Preparation of plunging soil.* The paradichlorobenzene must be thoroughly mixed with a light sandy loam, or sand, which is moist but not wet, and free from lumps, stones, and debris. It must be mixed immediately before using.

(v) *Care of plants during treatment.* If it is necessary to water the plants during the treatment to prevent desiccation, the operation must be limited to a light syringing, under the supervision of an inspector.

(vi) *Care of plants after treatment.* It is advisable to avoid excessive watering of the plants after treatment in order to permit any residual gas to escape from the plant balls.

(vii) *Complete coverage.* Temperature: The temperature of both the treating soil and the soil ball must not be less than 50° F. during the period of treatment. To prevent injury to the plants, it should not go above 65°.

Dosage: Ten pounds per cubic yard of mixing soil (6 oz. per cu. ft.) for soil balls up to 6" in diameter at the nar-

rowest dimension. Twenty pounds per cubic yard of mixing soil (12 oz. per cu. ft.) for soil balls from 6'' to 8'' in diameter at the narrowest dimension.

Application: Spread a layer of the treated plunging soil on a smooth hard surface, such as a floor or bench, and then place a row of plants, with the balls spaced at least 1 inch apart, on this soil. Fill the spaces between the plant balls with treated soil and cover the plant balls to a depth of 1 inch. Then, place about 1 inch of treated soil against the row of plants. This operation is repeated until all the plants are plunged.

Period of treatment: The plants must be left undisturbed for a period of 5 days.

(viii) *Side application.* Temperature, dosage, period of treatment: The various combinations of dosage and exposure which may be used at different temperatures are given in table 1. It is desirable to maintain the temperature fairly constant. The temperatures given at the head of the column in table 1 are the minimum temperatures during the period of treatment.

TABLE 1. *Temperature, dosage, and period of treatment for paradichlorobenzene*

Width or depth of plant ball	Crystals per cubic yard of plunging soil	Period of treatment required when the minimum temperature in ° F. is within the range indicated below					
		45-49	50-54	55-59	60-64	65-69	70-74
Up to 2 inches---	Lb.	Days	Days	Days	Days	Days	Days
	1	(1)		10	9	7	5
	5	9	7	6	5	4	2
	10	7	6	5	4	3	2
2-4 inches-----	20	5	5	4	3	2	1
	1					10	6
	5		10	10	9	8	4
	10	9	8	8	7	6	3
4-6 inches-----	20	7	7	6	6	5	2
	1						
	5						
	10					9	7
	20			8	7	6	4

<sup>1</sup> Blank spaces indicate that the exposure period is more than 10 days.

Application: Spread a layer of the treated plunging soil on a smooth hard

surface, such as a floor or bench, and then place a row of plants, with the balls spaced at least 1 inch apart, on this soil. Fill the spaces between the plant balls with treated soil, taking care not to get the treated soil in contact with the stems of the plants, and cover the upper side of the plant balls with treated soil to within 2 inches of the stems. Then, place about 1 inch of treated soil against the row of plants. The operation is repeated until all the plants are plunged.

(5) *Methyl bromide fumigation—(i) Equipment.* A fumigation chamber, of approved design, equipped with vaporizing, air-circulating, and ventilating systems must be provided.

(ii) *Application.* After the chamber is loaded, the methyl bromide must be vaporized within it. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the plants removed. The ventilating system should also be in continuous operation during the entire period of removal of the fumigated articles.

(iii) *Fumigation of plants, with or without soil.* Temperature: The temperature of the soil (with bare root stock, the root spaces) and air must be at least 63° F. during the entire fumigation period.

Dosage: Two and one-half pounds of methyl bromide per 1,000 cubic feet, including the space occupied by the load.

Period of treatment: Two and one-half hours.

Preparation of plants: The treatment is to be applied only to plants with bare roots or in 12-inch pots, or smaller, or in soil balls not larger than 12 inches in diameter or thicker than 12 inches when not spherical. The soil should not be puddled or saturated. With wet material, drying for a period of 12 hours is advisable before treatment. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other, they should not be jammed tightly to-



gether. [As amended by Supp. 1, Nov. 4, 1939; 4 F.R. 4495]

NOTE: This paragraph was amended by substituting "12-inch" for "8-inch" and "12 inches" for "8 inches", by BEPQ 499, Supp. 1, Nov. 4, 1939; 4 F.R. 4495.

Varieties of plants: The list of plants, including greenhouse, perennial, and nursery stock types treated experimentally is subject to continual expansion and, moreover, is too great to include in these instructions. Such a list, including also those which have been injured by the treatment, will be supplied on request.

(iv) *Fumigation of strawberry plants in shipping crates or field-packed baskets.* Temperature: The temperature of the plants and air must be at least 60° F. during the entire fumigation period.

Dosage: Three pounds of methyl bromide per 1,000 cubic feet, including the space occupied by the load.

Period of treatment: Four hours.

Preparation of plants: Strawberry plants may be fumigated either bundled and packed in damp moss in slatted shipping crates or in field-packed baskets of 1 bushel, or less. The load in the fumigation space should be arranged to allow the gas to enter from all sides of the containers.

Varieties of plants: This treatment has been authorized for strawberry plants only.

(m) *Treatment of plants before digging*—(1) *Carbon disulphide emulsion*—

(i) *Equipment.* Strips or squares of 24-gage galvanized iron, 10 inches wide of the proper size, and water-tight cans or tubs must be provided.

(ii) *Season.* This treatment must not be used when adult beetles are present.

(iii) *Temperature.* The treatment must not be applied when the temperature of the soil at a depth of 6 inches is below 40° F., or it is anticipated that the temperature will fall below this during the period of treatment.

(iv) *Dosage.* The dosage of stock emulsion which must be used is dependent upon the minimum soil temperature anticipated during the period of the treatment. Schedules 1, 2, and 3 in tables 2 and 3 give the dosages required for the treatment of plant balls of various sizes.

(v) *Period of treatment.* The soil must not be disturbed for 48 hours.

(vi) *Period of digging.* The plants must be dug within 3 days after the completion of the treatment.

(vii) *Varieties of plants.* The varieties which have been treated successfully by this method are given in Technical Bulletin 478.

(viii) *Preparation of plants.* The surface of the soil about the base of the plant must be practically level; treatment must not be applied on a slope which cannot be levelled without filling. Weeds and debris must be removed from the surface of the soil. It is advisable to tie low-hanging branches so that they will not dip into the treating solution. After the size of the ball to be lifted with the plant has been determined, a galvanized-iron collar of the proper size is placed about the base of the plant and forced to a depth of 3 inches into the soil. The soil must be firmed carefully on each side of the galvanized iron to prevent seepage.

(ix) *Application.* The quantity of treating solution to be used must be determined from tables 2 and 3. The required quantity of stock emulsion is added to water and mixed well. Then the solution is poured into the collar, avoiding splashing or unnecessary disturbance of the soil. Pouring the solution on a spade will be of considerable help. A record must be made of the time required for the treating solution to disappear from the surface. Drainage conditions must be such that the solution does not disappear from the surface in less than 10 minutes or more than 5 hours. An examination must be made after the treatment has been applied to determine the uniformity of penetration.

(x) *Handling plants after treatment.* The inspector must be sure that a ball of soil no larger than that originally planned is removed with the plant.

(2) *Lead arsenate treatment*—(i) *Season.* Treatment must be applied by July 1. Plants may be certified when the period of treatment is completed, and until the following June 15.

(ii) *Condition of soil.* The soil must be friable and in good tilth. This treatment is recommended only for soils that are slightly acid or neutral in reaction.

(iii) *Dosage.* Thirty-five pounds to each 1,000 square feet, or 1,500 pounds per acre. For subsequent re-treatments, the quantity required to restore the original concentration, as determined by chemical analyses, must be applied.

(iv) *Period of treatment.* Plants in plots treated initially must not be dug until October 1; those on re-treated plots may be dug on September 20.

(v) *Application.* Lead arsenate must be thoroughly mixed and incorporated with the upper 3 inches of soil. The ridge of soil between the plants in the rows and the soil about the base of the plants must be removed to a depth of 2 inches and placed in the space between the rows of plants. Lead arsenate may be applied with a suitable distributor, or broadcast by hand, before or after the hoeing operation is completed. Then the soil between the rows of plants must be cultivated three times. On the last cultivation, the cultivator is adjusted in such a manner that the treated soil is thrown toward the rows of plants. At least 3 inches of treated soil must be placed in the rows about the bases of the plants.

(vi) *Varieties of plants.* The varieties of plants which have been treated successfully by this method are given in Bureau of Entomology and Plant Quarantine E-418.

(vii) *Safety zone.* Same as that prescribed in (k).

(viii) *Marking.* Same as that prescribed in (k).

TABLE 2. Dosage for circular collars

Diameter of ball to be dug	Diameter of collar	Water	Stock carbon disulphide emulsion		
			Schedule No. 1, 40-50° F.	Schedule No. 2, 50-60° F.	Schedule No. 3, 60-70° F.
	Inches	Gallons	Cc.	Cc.	Cc.
12 inches or less--	18	4.5	31	26	20
14 inches-----	21	6.0	41	34	27
18 inches-----	27	10.0	68	57	45
20 inches-----	30	12.0	82	68	54
22 inches-----	33	15.0	102	85	68
24 inches-----	36	17.5	119	99	80
25-27 inches-----	39	21.0	143	119	95
28-30 inches-----	42	24.0	164	136	108
33 inches-----	45	27.5	187	156	125
36 inches-----	48	31.5	215	179	143

TABLE 3. Dosage for square collars

Diameter of ball to be dug	Length of side of collar	Water	Stock carbon disulphide emulsion		
			Schedule No. 1, 40-50° F.	Schedule No. 2, 50-60° F.	Schedule No. 3, 60-70° F.
	Inches	Gallons	Cc.	Cc.	Cc.
12 inches or less--	18	5.5	37	31	25
14 inches-----	21	7.5	51	43	34
18 inches-----	27	12.5	85	71	57
20 inches-----	30	15.5	106	88	70
22 inches-----	33	19.0	129	108	86
24 inches-----	36	22.5	153	128	102
25-27 inches-----	39	26.0	177	148	118
28-30 inches-----	42	30.5	208	173	139
33 inches-----	45	35.0	238	199	159
36 inches-----	48	40.0	272	227	182

TREATMENT OF FRUITS AND VEGETABLES

The effect of insecticidal treatments on fruits and vegetables varies with the variety and the condition. While guarantees cannot be given that no injury will be caused to the fruits and vegetables, the treatments are recommended only for those commodities which experience has shown were not seriously injured. It must be understood by the shipper that no liability shall attach either to the United States Department of Agriculture or to any of its employees in event of injury to the commodities.

After all treatments, the commodities must be handled in such a manner as to prevent reinfestation by the adult Japanese beetles.

(n) *Carbon disulphide fumigation—*

(i) *Equipment.* A fumigation chamber, of approved design, equipped with a vaporizing, air-circulating, and ventilating system, must be provided.

(ii) *Temperature.* The temperature must be at least 80° F. during the treatment.

(iii) *Dosage.* Ten pounds to each 1,000 cubic feet in the chamber.

(iv) *Period of treatment.* Two hours.

(v) *Varieties of fruit.* The varieties of fruit treated successfully by this method are given in Circular 373.

(vi) *Preparation of fruit.* The crates and baskets of fruit must be stacked in the chamber in such a manner that the gas will have access to all sides of the containers.



(vii) *Application.* After the chamber is loaded, the carbon disulphide must be vaporized within it. The water in the coils of the vaporizing pan must be at least 148° F. and should never exceed 180°. The water must be circulated through the coils of the vaporizing pan for 60 minutes after the fumigant has been put into the pan. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the fruit removed.

(o) *Cyanide fumigation—(i) Equipment.* Refrigerator cars in good condition and dry must be provided. Four screens, made of cotton netting on light wooden frames which fit tightly over the hatch openings, and equipped with three wires for fastening to the hatch cover, hinges, and graduating arm, must be provided for each car.

When liquid hydrocyanic acid is used, two metal trays having an area of 2 square feet and equipped to be suspended about 24 inches below the hatch cover, a 3-ounce measuring cup, and a tube for putting the material into the pans must be provided.

When HCN discoids are used, an approved type of can opener must be provided.

When calcium cyanide is used, two trays of light wooden construction, 6 to 8 feet long, 2 feet wide, and 2 inches deep, and sufficient building paper to properly cover these trays must be provided.

(ii) *Temperature.* The temperature must be at least 75° F. in the car during the treatment.

(iii) *Dosage.*

Liquid hydrocyanic acid	6 ounces per car.
HCN discoids	6.5 ounces per car.
Calcium cyanide, 88 per-	
cent	3 pounds per car.

(iv) *Period of treatment.*

Liquid hydrocyanic acid	2 hours.
HCN discoids	
Calcium cyanide	1.5 hours.

(v) *Varieties of fruits and vegetables.* This treatment is authorized for bananas and empty refrigerator cars.

(vi) *Preparation of commodities.* The bananas must be stacked in such a man-

ner that the gas will have access to all sides.

(vii) *Application, liquid hydrocyanic acid.* The doors must be closed tightly and the ice drips properly plugged. Remove one insulating plug from each bunker and suspend a tray therein. Fill the 3-ounce measuring device with liquid hydrocyanic acid, and pour through the tube into the pan. Replace the plug and close the hatch cover tightly. Then repeat the operation in the ice bunker at the opposite end of the car.

(viii) *HCN discoids.* The doors must be closed tightly and the ice drips properly plugged. Remove one insulating plug from each ice bunker. Open the can, remove one discoid unit and suspend it immediately in the bunker, holding the string at the edge of the opening and wedge it in position by closing and fastening the insulating plug. The open end of the can must be covered with the fiber cap immediately after the unit is removed to prevent loss of gas. Then, place the second discoid unit in the bunker at the opposite end of the car.

(ix) *Calcium cyanide.* The doors and the hatches must be tightly closed and the ice drips properly plugged. Open one door. Cover the trays with paper and apply 1½ pounds of calcium cyanide uniformly to the paper in each tray. Then place the trays on the load near the door of the car. Finally, close the door tightly.

After the treatment is completed, open the hatches and place the screens in position and remove the plugs from the ice drips. Remove the pans and trays. Doors must be kept closed, unless an approved screen has been provided.

(p) *Ethylene oxide fumigation—(i) Equipment.* A fumigation chamber, of approved design, equipped with vaporizing, air-circulating, and ventilating systems must be provided.

(ii) *Temperature.* The temperature must be at least 75° F. during the treatment.

(iii) *Dosage.* Two pounds for each 1,000 cubic feet in the chamber.

(iv) *Period of treatment.* Two hours.

(v) *Varieties of fruit.* The varieties of fruit treated successfully by this method are given in Circular 373.

(vi) *Preparation of fruit.* The crates and baskets of fruit must be stacked in the chamber in such a manner that the gas will have access to all sides of the containers.

(vii) *Application.* After the chamber is loaded, the ethylene oxide must be vaporized in the pan in the chamber. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the fruits removed.

(q) *Methyl bromide fumigation—(1) Refrigerator cars—(i) Equipment.* Refrigerator cars must be in fair condition with sound, well-fitting doors and hatches. Standard cloth screens for covering the hatches and a temporary cloth screen for covering one door during ventilation are essential. An electric blower of not less than 750 CFM capacity against ¼-inch water pressure, equipped with devices for lowering into the bunker and securing, so that the blower outlet butts against the bunker screen unimpeded either by studs or burglar bar.

(ii) *Temperature.* The temperature within the car must be at least 70° F. during the treatment.

(iii) *Dosage.* Two pounds for each 1,000 cubic feet; or 5 pounds per refrigerator car.

(iv) *Period of treatment.* Two hours from the end of the fumigant release period.

(v) *Application.* The doors must be closed tightly and the ice drips properly plugged. The methyl bromide may be released either by weight or measure, through a copper or brass applicator tube of ¼-inch bore. This tube must be fitted with a disc-type spray nozzle and must be bent in a U shape at the end, so that the spray nozzle is directed upward toward the center of the bunker and not less than 1 foot below the ceiling during the release of the fumigant. The blower must be in continuous operation during the release of the fumigant and for 5 minutes thereafter. At the end of this period the blower may be removed and

transferred to the next car. The fumigant must be released in a split dosage consisting of 3 pounds in the bunker end through the hatch across from the blower and 2 pounds in the hatch at the opposite end of the car and in line with the blower.

(vi) *Ventilation.* At the end of the exposure period, all hatches must be immediately propped open and screened, and the drip plugs removed. One door must be opened and screened for a period of 20 minutes, following which it should be closed and sealed. If the car is to be moved within one-half hour, the opening of the door may be omitted.

(vii) *Commodities treated.* The treatment is approved for the following fruits and vegetables: White potatoes, sweetpotatoes, onions, tomatoes, snap beans, Lima beans, sweet corn, cabbage, carrots, beets, apples, and peaches.

(2) *Fumigation house, room, and box.* The commodities listed above may be fumigated in approved fumigation chambers. The same requirements as to dosage, circulation period, exposure, temperature, and screening of doors listed under refrigerator car fumigation apply. The chamber must be ventilated with the ventilating equipment in continuous operation for one-half hour. All ventilator intakes must be protected with 8-mesh wire screen. The ventilating fan must run during both the placing and removal of the load. In addition, the requirements for screened loading facilities and the subsequent certification of loads must be met. (Issued under § 301.48) [BEPQ 499, Chief, BEPQ, June 9, 1939, as amended Nov. 4, 1939; 4 F.R. 2358, 4495]

NOTE: Paragraph (1) (5) of this section superseded the provisions of BPQ 359 (Supp. 4), Feb. 15, 1939; 4 F.R. 967. The latter document does not appear in this Supplement since BPQ 359 was not a part of the Code of Federal Regulations. Paragraph (1) (5) (iii) was amended in part as noted in the text by BEPQ 499, Supp. 1, Nov. 4, 1939; 4 F.R. 4495.

#### RULES AND REGULATIONS

§ 301.48-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia*



*japonica* Newm.), in any stage of development.

(b) *Infested, infestation.* The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area.* Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48.

(e) *Fruits and vegetables.* For the list of restricted fruits and vegetables see § 301.48-5.

(f) *Nursery and ornamental stock.* Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse.* A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48-6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector.* An inspector of the United States Department of Agriculture.

(k) *Moved or allowed to be moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate.* A valid form evidencing compliance with the requirements of

the regulations in this subpart as to movement of restricted articles to points outside the regulated areas.

(m) *Permit.* A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.\*†

\*§§ 301.48-1 to 301.48-14, inclusive, issued under the authority contained in 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

†In §§ 301.48-1 to 301.48-14, inclusive, (except for amendments noted in the text,) the numbers to the right of the dash correspond to the respective regulation numbers in Rules and regulations, 17th revision, supplemental to Notice of Quarantine 48, Secretary of Agriculture, Feb. 16, 1939, effective Feb. 20, 1939; 4 F.R. 961.

§ 301.48-2 *Limitation of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48 the restrictions provided in the regulations in this subpart on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.\*†

§ 301.48-3 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.* The entire State.

*Delaware.* The entire State.

*District of Columbia.* The entire District.

*Maine.* County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; the city of Waterville, in Kennebec County; and the city of Brewer, in Penobscot County.

*Maryland.* Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31 and 32, in Allegany County; the city of Annapolis and election districts Nos. 2, 3, 4, and 5, in Anne Arundel County; election districts Nos. 1, 2, 3, 8, 9, 11, 12, 13, 14, and 15, in Baltimore County; all of Caroline County except election districts of American Corners (No. 8) and Hillsboro (No. 6); the city of Westminster, and election districts of Freedom (No. 5), Hampstead (No. 8), New Windsor

\*†For statutory and source citations, see note to § 301.48-1.



(No. 11), and Westminster (No. 7), in Carroll County; election districts of La Plata and White Plains, in Charles County; election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in Dorchester County; election districts of Brunswick (No. 25), Buckeystown (No. 1), Frederick (No. 2), Jefferson (No. 14), New Market (No. 9), and Petersville (No. 12), in Frederick County; County of Harford, except election district of Marshall (No. 4); election districts of Elkridge (No. 1), Ellicott City (No. 2), Guilford (No. 6), and West Friendship (No. 3), in Howard County; election districts of Colesville (No. 5), and Rockville (No. 4), in Montgomery County, and those portions of the election districts of Bethesda (No. 7), and Wheaton (No. 13) in said county located within the established boundaries of the so-called "Washington Suburban Sanitary District"; all of Prince Georges County except the election districts of Aquasco (No. 8), and Nottingham (No. 4); towns of Easton and Oxford, in Talbot County; election districts of Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in Washington County; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), Trappe (No. 7), and Willards (No. 14), in Wicomico County.

*Massachusetts.* The entire State.

*New Hampshire.* Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

*New Jersey.* The entire State

*New York.* Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in Cattaraugus County; towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Mannheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris, in Livingston County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in Schuyler County; towns of Caton, Corning, Hornby, and Hornellsville, and the cities of Corning

and Hornell in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and the city of Glens Falls, in Warren County.

*Ohio.* Counties of Carroll, Columbiana, Harrison, Jefferson, Mahoning, Portage, Stark, Summit, and Tuscarawas; the city of Coshocton, in Coshocton County; all of Cuyahoga County, except the townships of Bay, Dover, North Olmsted, and Olmsted; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; the township of Newark and city of Newark, in Licking County; the city of Toledo, in Lucas County; the township of Madison and the city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls and Orangeville, in Trumbull County.

*Pennsylvania.* The entire State, except Crawford, Erie, Forest, and Venango Counties, Mercer Township in Butler County, Ashland, Beaver, Elk, Richland (including the boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in Clarion County; townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, and Worth, and the boroughs of Clarksville, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in Mercer County, and the townships of Brokenstraw, Cherry Grove, Columbus, Conewango, Deerfield, Eldred, Farmington, Freehold, Limestone, Pine, Grove, Pittsfield, Pleasant, Southwest, Spring Creek, Sugar Grove, Triumph, Watson (including the boroughs of Bear Lake, Grand Valley, Sugar Grove, Tidioute, and Youngsville), in Warren County.

*Rhode Island.* The entire State.

*Vermont.* Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in Chittenden County.

*Virginia.* Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Dale and Manchester, in Chesterfield County; magisterial district of Sleepy Hole, in Nansemond County; magisterial district of Courtland, in Spotsylvania County; Camp Stuart, in Warwick County; magisterial district of Washington, in Westmoreland County; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

*West Virginia.* Counties of Hancock, Harrison, Marion, Monongalia, and Taylor; dis-



tricts of Arden, Hedgesville, Falling Waters, and Opequon, and the City of Martinsburg, in Berkeley County; the towns of Bolivar and Harpers Ferry, in Jefferson County; town of Keyser and district of Frankfort, in Mineral County; the city of Wheeling, in Ohio County; and the city of Parkersburg, in Wood County.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.48-3 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.* The entire State.

*Delaware.* The entire State.

*District of Columbia.* The entire District.

*Maine.* County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; the city of Waterville, in Kennebec County; and the city of Brewer, in Penobscot County.

*Maryland.* Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31 and 32, in Allegany County; the city of Annapolis and election districts Nos. 2, 3, 4, and 5, in Anne Arundel County; election districts Nos. 1, 2, 3, 8, 9, 11, 12, 13, 14, and 15, in Baltimore County; all of Caroline County except election districts of American Corners (No. 8) and Hillsboro (No. 6); the city of Westminster, and election districts of Freedom (No. 5), Hampstead (No. 8), New Windsor (No. 11) and Westminster (No. 7), in Carroll County; election districts of La Plata and White Plains, in Charles County; election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in Dorchester County; election districts of Brunswick (No. 25), Buckeystown (No. 1), Freder-

ick (No. 2), Jefferson (No. 14), New Market (No. 9), and Petersville (No. 12), in Frederick County; County of Harford, except election district of Marshall (No. 4); election districts of Elkridge (No. 1), Ellicott City (No. 2), Guilford (No. 6), and West Friendship (No. 3), in Howard County; election districts of Colesville (No. 5), and Rockville (No. 4), in Montgomery County, and those portions of the election districts of Bethesda (No. 7), and Wheaton (No. 13) in said county located within the established boundaries of the so-called "Washington Suburban Sanitary District"; all of Prince Georges County except the election districts of Aquasco (No. 8), and Nottingham (No. 4); towns of Easton and Oxford, in Talbot County; election districts of Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in Washington County; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), and the town of Salisbury, Trappe (No. 7), and Willards (No. 14), in Wicomico County.

*Massachusetts.* The entire State.

*New Hampshire.* Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

*New Jersey.* The entire State.

*New York.* Counties of Albany, Bronx, Broome, Cherkung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in Cattaraugus County; towns of Amherst, Cheektowaga, and Tonawanda, and the

\*†For statutory and source citations, see note to § 301.48-1.

cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris, in Livingston County; city of Rochester and town of Brighton, in Monroe County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in Schuyler County; towns of Caton, Corning, Hornby, and Hornellsville, and the cities of Corning and Hornell, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and the city of Glens Falls, in Warren County.

*Ohio.* Counties of Carroll, Columbiana, Cuyahoga, Harrison, Jefferson, Mahoning, Portage, Stark, Summit, and Tuscarawas; the city of Coshocton, in Coshocton County; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; the township of Newark and city of Newark, in Licking County; the city of Toledo, in Lucas County; the township of Madison and the city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in Trumbull County.

*Pennsylvania.* The entire State, except Crawford, Erie, Forest, and Venango Counties; Mercer Township in Butler County; Ashland, Beaver, Elk, Richland (including the boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships in Clarion County; townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine,

Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, and Worth, and the boroughs of Clarksville, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in Mercer County; and the townships of Brokenstraw, Cherry Grove, Columbus, Conewango, Deerfield, Eldred, Farmington, Freehold, Limestone, Pine Grove, Pittsfield, Pleasant, Southwest, Spring Creek, Sugar Grove, Triumph, Watson (including the boroughs of Bear Lake, Grand Valley, Sugar Grove, Tidioute, and Youngsville), in Warren County.

*Rhode Island.* The entire State.

*Vermont.* Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in Chittenden County.

*Virginia.* Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Dale and Manchester, in Chesterfield County; magisterial district of Sleepy Hole, in Nansemond County; magisterial district of Courtland, in Spotsylvania County; Camp Stuart, in Warwick County; magisterial district of Washington, in Westmoreland County; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

*West Virginia.* Counties of Hancock, Harrison, Marion, Monongalia, and Taylor; districts of Arden, Hedgesville, Falling Waters, and Opequon, and the city of Martinsburg, in Berkeley County; the towns of Bolivar and Harpers Ferry, in Jefferson County; town of Keyser and district of Frankfort, in Mineral County; the city of Wheeling, in Ohio County; and the city of Parkersburg, in Wood County.\* [As amended June 22, 1939, effective July 1, 1939; 4 F.R. 2477]

§ 301.48-4 *Extension or reduction of regulated areas.* The regulated areas designated in § 301.48-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in



writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.\*†

§ 301.48-5 *Restrictions on the movement of fruits and vegetables*—(a) *Control of movement.* (1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in subdivisions (i)–(v), inclusive, of this subparagraph: No green corn on the cob, beans in the pod, bananas, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the State, District, counties, election districts, townships, towns or cities listed below to or through any point outside of the regulated areas:

*Delaware.* The entire State.

*District of Columbia.* The entire District.

*Maryland.* Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; election districts No. 12 and No. 15, in Baltimore County; all of Caroline County, except election districts of American Corners (No. 8) and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in Dorchester County; election districts of Abingdon (No. 1), Halls Cross Roads (No. 2), and Havre de Grace (No. 6), in Harford County; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), Trappe (No. 7), and Willard (No. 14), in Wicomico County.

*New Jersey.* Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.* Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Brecknock, Caernarvon, Colebrookdale, District, Douglas, Earl, Exeter, Hereford, Lower Alsace, Muhlenberg, Oley, Oumru, Pike, Robeson, South Heidelberg, Spring, Union, and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birdsboro, Boyertown, Mohnton, Mount Penn, Saint Lawrence, Shillington, Sinking Spring, Temple, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in Berks County; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in Dauphin County; townships of Lower Milford, Upper Milford, and Upper Saucon, and the boroughs of Coopersburg and Emaus, in Lehigh County; townships of Lower Saucon and Williams, in Northampton County.

*Virginia.* Counties of Accomac, Arlington, and Northampton.

*Provided,* That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or to other regulated parts of Erie, Jefferson, Livingston, and Steuben Counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions are placed on the interstate movement of fruits and vegetables from Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or from other regulated parts of Erie, Jefferson, Livingston, and Steuben Counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or from other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment; bananas in single bunches packed in commercial containers; or bananas singly, or in individual hands.

(v) No restrictions are placed on the interstate movement of commercially packed apples or commercially packed peaches in any quantity, except those moving via refrigerator cars or motor trucks from the area listed in paragraph (a) (1) of this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

(b) *Conditions of certification.* Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and

\*†For statutory and source citations, see note to § 301.48-1.



October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than that specified in paragraph (a) (1) of this section, or moving from such designated area other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and re-shipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area listed in paragraph (a) (1) of this section, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading such refrigerator car must be tightly closed and sealed.

(6) When the fruits and vegetables moving via refrigerator car from the area listed in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.48-5 *Restrictions on the movement of fruits and vegetables—(a) Con-*

*trol of movement.* (1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in subdivisions (i)–(v), inclusive, of this subparagraph: No green corn on the cob, beans in the pod, bananas, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the State, District, counties, election districts, townships, towns, or cities listed below to or through any point outside of the regulated areas:

*Delaware.* The entire State.

*District of Columbia.* The entire District.

*Maryland.* Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; election districts No. 12 and No. 15, in Baltimore County; all of Caroline County, except election districts of American Corners (No. 8) and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in Dorchester County; election districts of Abingdon (No. 1), Halls Cross Roads (No. 2), and Havre de Grace (No. 6), in Harford County; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), and the town of Salisbury, Trappe (No. 7), and Willard (No. 14), in Wicomico County.

*New Jersey.* Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.* Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl, Exeter, Hereford, Lower Alsace, Muhlenberg, Oley, Pike, Robeson, South Heidelberg, Spring, Union, and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birdsboro, Boyertown, Mohnton, Mount Penn, Saint Lawrence, Shillington, Sink-

ing Spring, Temple, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in Berks County; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in Dauphin County; townships of Lower Milford, Upper Milford, and Upper Saucon, and the boroughs of Coopersburg, and Emaus, in Lehigh County; townships of Lower Saucon and Williams, in Northampton County.

*Virginia.* Counties of Accomac, Arlington, and Northampton.

*Provided,* That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

NOTE: Paragraph (a) (1) (i) of this section was amended by advancing the termination of restrictions from October 16 to September 20, 1939, by Order, Sec. Agric., Sept. 19, 1939; 4 F.R. 3984. The order was applicable to the year 1939 only.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the main regulated area to Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or to other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions are placed on the interstate movement of fruits and vegetables from Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of

Hornellsville, Steuben County, N. Y., or from other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or from other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment; bananas in single bunches packed in commercial containers; or bananas singly, or in individual hands.

(v) No restrictions are placed on the interstate movement of commercially packed apples or commercially packed peaches in any quantity, except those moving via refrigerator cars or motor-trucks from the area listed in paragraph (a) (1) of this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above except that any such interstate shipments of fruits and vegetables may be inspected at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

(b) *Conditions of certification.* Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than that specified in paragraph (a) (1) of this section, or moving from such designated area other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by



shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area listed in paragraph (a) (1) of this section, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading such refrigerator car must be tightly closed and sealed.

(6) When the fruits and vegetables moving via refrigerator car from the area listed in this section have been fumigated in the car, when deemed nec-

essary in the judgment of the inspector and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.\* [As amended June 22, 1939, effective July 1, 1939; 4 F.R. 2478]

§ 301.48-5a *Administrative instructions; fumigation of onions by methyl bromide.* [Superseded]

NOTE: This section was superseded by § 301.48b.

§ 301.48-5b *Administrative instructions; fumigation of tomatoes by methyl bromide.* [Superseded]

NOTE: This section was superseded by § 301.48b.

§ 301.48-5c *Administrative instructions; defining the term "commercially packed" as applied to shipments of apples or peaches.* Section 301.48-5 exempts from certification "commercially packed apples or commercially packed peaches in any quantity" except those moving via refrigerator cars or motor-trucks from the special area listed in paragraph (a) (1) of that section.

In interpreting this exemption the term "commercially packed" will include:

(a) All apples or peaches in closed barrels, boxes, baskets, or other closed containers.

(b) Apples or peaches in open packages when such fruits have been graded in accordance with the official standards for apples or peaches promulgated by the United States Department of Agriculture or in accordance with any official grades authorized by the State in which the apples or peaches were grown and when the containers are marked with such grade. The so-called Unclassified Grade is not, however, considered a grade within the meaning of this definition, and apples or peaches in open packages so marked are not considered commercially packed. (Issued under § 301.48-5) [BEPQ 498, Chief, BEPQ, May 27, 1939; 4 F.R. 2181]

§ 301.48-6 *Restrictions on the movement of nursery and ornamental stock—(a) Control of movement.* Nursery and ornamental stock as defined in § 301.48-1, shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured



or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, and single dahlia tubers when free from stems, cavities, and soil. Dahlia tubers, other than single tubers meeting these conditions, require certification.

(ii) Cut orchids, orchid plants, when growing exclusively in *Osmunda* fiber, *Osmunda* fiber, *Osmundine*, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

(iii) Floral designs or "set pieces," including wreaths, sprays, casket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil or primary roots, and when shipped during the period between October 16 and June 14, inclusive.

(iv) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials, balsam pillows, when composed of balsam needles only, mushroom spawn, in brick, flake, or pure culture form, banana stalks, when crushed, dried and shredded.

(v) Sheet moss (*Calliergon schriberi* and *Thuidium recognitum*), resurrection plant or birds'-nest moss (*Selaginella lepidophylla*), sphagnum moss, bog-moss, or peat moss (*Sphagnaceae*), dyed moss, when heat treated and appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs and scions of trees and shrubs, and Christmas trees).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15 for interstate movement of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs, and scions of trees and shrubs, and Christmas trees) to Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or to other regulated parts of Erie, Jefferson, Livingston, and Steuben Counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Bur-

lington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions are placed on the interstate movement between June 15 and October 15 of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs, and scions of trees and shrubs, and Christmas trees) from Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or from other regulated parts of Erie, Jefferson, Livingston, and Steuben Counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or from other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

(b) *Conditions governing the issuance of certificates and permits.* For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as Class I. Upon compliance with the requirements of paragraph (b) (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of Class III.

(2) *Class III.* (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as Class III, *Provided*, There are maintained on the premises subdivided Class I areas, certified houses, frames, or plots, or other certified areas, or, There is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as Class I or Class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in Class III, may be open to subdivision, for the purpose of rating such subdivisions in Classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.



(ii) Upon compliance with paragraph (b) (3), and (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of Class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in Class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of Class III and all potted plants to be certified for interstate movement therefrom shall be potted in certified soil; shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown in a greenhouse of Class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (ii) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(8) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and when found advisable by the inspector, after reinspection and determination of freedom from infestation.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

#### § 301.48-6 *Restrictions on the movement of nursery and ornamental stock—*

(a) *Control of movement.* Nursery and ornamental stock as defined in § 301.48-1, shall not be moved or allowed to be moved interstate from the regulated



areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(i) True bulbs, corms, and tubers, when dormant, except for storage growth and when free from soil, and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids, orchid plants, when growing exclusively in *Osmunda fiber*, *Osmunda fiber*, *Osmundine*, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

(iii) Floral designs or "set pieces," including wreaths, sprays, casket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil or primary roots, and when shipped during the period between October 16 and June 14, inclusive.

(iv) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials, balsam pillows, when composed of balsam needles only, mushroom spawn, in brick, flake, or pure culture form, banana stalks, when crushed, dried and shredded.

(v) Sheet moss (*Calliergon schriberi* and *Thuridium recognitum*), resurrection plant or birds'-nest moss (*Selaginella lepidophylla*), sphagnum moss, bog-moss, or peat moss (*Sphagnaceae*), dyed moss, when heat treated and appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the

consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, soil-free aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs and scions of trees and shrubs, and Christmas trees).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15 for interstate movement of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs, and scions of trees and shrubs, and Christmas trees) from the main regulated areas to Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or to other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions are placed on the interstate movement between June 15 and October 15 of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs, and scions of trees and shrubs, and Christmas trees) from Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or from other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or from other regulated parts of Licking and Richland Counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

(b) *Conditions governing the issuance of certificates and permits.* For the purpose of certification of nursery and or-

namental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as Class I. Upon compliance with the requirements of subparagraph (7) of this paragraph, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of Class III.

(2) *Class III.* (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as Class III, *Provided*, There are maintained on the premises subdivided Class I areas, certified houses, frames, or plots, or other certified areas, or there is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as Class I or Class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in Class III, may be open to subdivision, for the purpose of rating such subdivisions in Classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly

marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with subparagraphs (3), (6), and (7) of this paragraph, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of Class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in Class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of Class III and all potted plants to be certified for interstate movement therefrom shall be potted in certified soil; shall, if



grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown in a greenhouse of Class I or in a certified greenhouse of Class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a Class III status shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall con-

tinue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a Class I status, or to maintain, in a Class III establishment, a Class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on Class I or certified premises, to articles which have been certified under the regulations in this subpart as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector before such articles are received on Class I or certified premises or are taken into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under the regulations in this subpart when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and when found advisable by the inspector, after reinspection and determination of freedom from

infestation.\* [As amended June 22, 1939, effective July 1, 1939; 4 F.R. 2479]

§ 301.48-7 *Restrictions on the movement of sand, soil, earth, peat, compost, and manure*—(a) *Control of movement.* Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) sand for construction purposes, molding sand, silica sand, greensand, marl, "bird sand," "bird gravel," pottery clay, and when free from vegetable matter and heat-treated, processed clay, and dyed sand; (ii) such other sands as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, *Provided*, That each container of such article shall be labeled on the outside thereof as to nature of contents, except that in case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (i) when dehydrated and either shredded, ground, pulverized, or compressed, or (ii) when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be

moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (b) (1), (2), or (3) hereof.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.48-7 *Restrictions on the movement of sand, soil, earth, peat, compost, and manure*—(a) *Control of movement.* Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) sand and clay when free from vegetable matter; (ii) greensand-marl; and (iii) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, *Provided*, That each container of such article shall be labeled on the outside thereof as to nature of contents, except that in the case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (i) when dehydrated and either shredded, ground, pulverized, or compressed, or (ii) when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of



origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (b) (1), (2), or (3) hereof.\* [As amended June 22, 1939, effective July 1, 1939; 4 F.R. 2480]

§ 301.48-8 *Conditions governing the protection of restricted articles from infestation while in transit.* Fruits and vegetables, nursery and ornamental stock,

and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.\*†

§ 301.48-9 *Marking and certification a condition of interstate transportation.* (a) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in §§ 301.48-5 to 301.48-7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.48-9 *Marking and certification a condition of interstate transportation.*

(a) Every box, basket, or other container of restricted articles listed in §§ 301.48-5 to 301.48-7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with the regulations in this subpart. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall ac-

\*†For statutory and source citations, see note to § 301.48-1.

company the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.\* [As amended June 22, 1939, effective July 1, 1939; 4 F.R. 2481]

§ 301.48-10 *General conditions governing inspection and issuance of certificates and permits.* (a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in §§ 301.48-5 to 301.48-7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area, except for the articles listed in §§ 301.48-5 (a) (1) and 301.48-6 (a) (4), as requiring certification when moved interstate to certain isolated regulated areas.\*†

§ 301.48-11 *Cancellation of certificates.* Certificates issued under the regulations in this subpart may be withdrawn or

canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of the regulations in this subpart or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.\*†

§ 301.48-12 *Inspection in transit.* Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place.\*†

§ 301.48-13 *Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate.* Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by the regulations in this subpart within the regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area.\*†

§ 301.48-14 *Shipments for experimental and scientific purposes.* Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.\*†

### Subpart—Pink Bollworm

#### QUARANTINE

§ 301.52 *Notice of quarantine.* Under the authority of section 8 of the Plant Quarantine Act of August 20, 1912 as amended (39 Stat. 1165; 7 U.S.C. 161), the Secretary of Agriculture does quarantine the said States of Arizona, New Mexico, and Texas, and does order that (a) cot-



ton, wild cotton, including all parts of either cotton or wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (b) bagging and other containers and wrappers of cotton and cotton products; (c) railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are fouled with such products; (d) farm products, farm household goods, farm equipment, and, if contaminated with cotton, any other articles, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the States of Arizona, New Mexico, or Texas into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, now or which may be hereafter designated by the Secretary of Agriculture as regulated areas, in the quarantined States, as, in his judgment, shall be adequate to prevent the spread of the said pest. Any such limitation shall be conditioned, however, upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles under the conditions which apply to their interstate movement under existing provisions of the Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in

administrative instructions, specifying the manner in which the applicable regulation shall be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.\* [Notice of Quarantine 52, Mar. 7, 1939; 4 F.R. 1161]

\*§§ 301.52 to 301.52-12, inclusive, issued under the authority contained in 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

#### RULES AND REGULATIONS

§ 301.52-1 *Definitions*. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed respectively to mean:

(a) *Pink bollworm*. The insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saunders), in any stage of development.

(b) *Cotton and cotton products*. Cotton and wild cotton plants of the genera *Gossypium* and *Thurberia*, and products of these plants, including seed cotton; cottonseed; cotton lint and linters, and all forms of unmanufactured cotton fiber; cottonseed hulls, cake and meal; gin waste; and all other parts of such plants.

(c) *Seed cotton*. All forms of cotton lint from which the seed has not been separated.

(d) *Lint*. All forms of unmanufactured cotton fiber except linters.

(e) *Linters*. All forms of unmanufactured cotton fiber separated from cottonseed after the lint has been removed.

(f) *Certificate*. An approved document issued by an inspector evidencing the apparent freedom of restricted articles from the pest.

(g) *Limited permit*. An approved document issued by an inspector to allow movement of noncertified, restricted articles to or from authorized and designated gins, oil mills, and processing or manufacturing plants. Limited permits will cover all interstate movements of restricted articles while in the process of being made eligible for certification.

(h) *Dealer-carrier permit.* An approved document issued to persons or firms engaged in ginning, manufacturing or processing restricted articles for subsequent interstate movement from regulated areas, and to persons or firms moving restricted articles interstate from regulated areas.

(i) *Infestation or infested area.* Infested by the pink bollworm.

(j) *Moved or movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from any regulated area interstate to points outside thereof.

(k) *Inspector.* An authorized inspector of the United States Department of Agriculture.\*†

†In §§ 301.52-1 to 301.52-12, inclusive, (except for amendments noted in the text,) the numbers to the right of the dash correspond to the respective regulation numbers in Revised regulations supplemental to Notice of Quarantine 52, Secretary of Agriculture, Mar. 7, 1939, effective Mar. 15, 1939; 4 F.R. 1162.

§ 301.52-2 *Regulated areas; Arizona area.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County except that part lying west of the western boundary line of Range 8 east.

*New Mexico area.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas area.* Counties of Andrews, Brewster, Brooks, Cameron, Cochran, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Hudspeth, Jeff Davis, Jim Wells, Kenedy, Kleberg, Loving, Martin, Midland, Nueces, Pecos, Presidio, Reeves, Starr, Terrell, Terry, Upton, Ward, Willacy, Winkler, and Yoakum; that part of Bailey County lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of Block A of the M. B. & B. survey to the western boundary of said county; that part of Lamb County lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern

boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.

*Heavily infested areas.* Of the regulated areas, the following counties and parts of counties are hereby designated as heavily infested within the meaning of these regulations:

*Texas.* Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of Hudspeth County, except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

*Lightly infested areas.* The following areas are designated as lightly infested:

*Arizona.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and the regulated part of Pima County.<sup>1</sup>

*New Mexico.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas.* Counties of Andrews, Brooks, Cameron, Cochran, Crane, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Jim Wells, Kenedy, Kleberg, Loving, Martin, Midland, Nueces, Pecos, Reeves, Starr, Terry, Upton, Ward, Willacy, Winkler, and Yoakum, the regulated parts of Bailey and Lamb Counties, and that part of the northwest corner of Hudspeth County lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.52-2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of the regulations in this subpart and are further classed as heavily or lightly infested:

*Heavily infested areas. Texas.* Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of Hudspeth County, except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert

<sup>1</sup> Part of the lightly infested area in Arizona is regulated on account of the *Thurberia weevil* under § 301.61, and shipments therefrom must comply with the requirements of that quarantine.

\*For statutory citation, see note to § 301.52.

†For source citation, see note to § 301.52-1.



immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

*Lightly infested areas. Arizona.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County<sup>1</sup> except that part lying west of the western boundary line of range 8 east.

*New Mexico.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas.* Counties of Andrews, Brooks, Cameron, Cochran, Concho, Crane, Dawson, Dimmit, Duval, Ector, El Paso, Frio, Gaines, Glasscock, Hidalgo, Hockley, Howard, Irion, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Loving, Martin, Maverick, Midland, Mitchell, Nueces, Pecos, Reeves, Starr, Sterling, Terry, Tom Green, Upton, Ward, Webb, Willacy, Winkler, Yoakum, Zapata, and Zavala; that part of Bailey County lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the western boundary of said county; that part of Coke County lying southwest of and including the right-of-way of Highway No. 87; that part of the northwest corner of Hudspeth County lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½; and that part of Lamb County lying south of the following-

described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.\* [As amended Sept. 11, 1939, effective Sept. 15, 1939, Sept. 23, 1939, effective Sept. 25, 1939, and Nov. 15, 1939, effective Nov. 20, 1939; 4 F.R. 3866, 4044, 4591]

NOTE: This section was amended by the addition of the Texas counties of Duval, Jim Hogg, La Salle, Maverick, Webb, and Zapata to the regulated areas, by Amdt. 1, Sept. 11, 1939, effective Sept. 15, 1939, by the addition of the Texas counties of Dimmit, Frio, and Zavala to the regulated areas, by Amdt. 2, Sept. 23, 1939, effective Sept. 25, 1939, and by the addition of the entire Texas counties of Concho, Irion, Mitchell, Sterling, and Tom Green, and that part of Coke County lying southwest of and including the right-of-way of Highway No. 87, by Amdt. 3, Nov. 15, 1939, effective Nov. 20, 1939; 4 F.R. 3866, 4055, 4591.

§ 301.52-3 *Articles the interstate movement of which is restricted or prohibited—*

(a) *Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(b) *Articles authorized interstate movement.* Seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake may be moved interstate from regulated areas as prescribed herein.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.52-3 *Articles the interstate movement of which is restricted or prohibited—*(a) *Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton

<sup>1</sup> Part of the lightly infested area in Arizona is regulated on account of the *Thurberia weevil* under § 301.61, and shipments therefrom must comply with the requirements of that quarantine.

\*For statutory citation, see note to § 301.52.

†For source citation, see note to § 301.52-1.

products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(b) *Articles authorized interstate movement.* Seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, cottonseed meal and cake, and okra may be moved interstate from regulated areas as prescribed herein.\* [As amended Sept. 11, 1939, effective Sept. 15, 1939; 4 F.R. 3866]

§ 301.52-4 *Conditions governing the issuance of certificates*—(a) *Cotton lint and linters.* A certificate may be issued for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved gin and have been passed in bat form between heavy steel rollers set not more than 1/64 inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided*, That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further*, That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(b) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided*, That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(c) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(d) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(e) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous, heavily infested area.\*†

[*Preceding section, in small type, superseded by following section during period covered by this Supplement*]

§ 301.52-4 *Conditions governing the issuance of certificates*—(a) *Cotton lint and linters.* A certificate may be issued

for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved gin and have been passed in bat form between heavy steel rollers set not more than 1/64 inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided*, That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further*, That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(b) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided*, That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(c) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(d) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(e) *Okra.* Certificates may be issued for the interstate movement of okra under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with methods which may be determined and approved by the Chief of the Bureau of Entomology and Plant Quarantine.

\*For statutory citation, see note to § 301.52.

†For source citation, see note to § 301.52-1.



(f) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous, heavily infested area.\* [As amended Sept. 11, 1939, effective Sept. 15, 1939; 4 F.R. 3866]

§ 301.52-4a *Administrative instructions; suspending treatment requirements of designated articles from the counties of Brooks, Jim Wells, Kenedy, Kleberg, and Nueces, Texas.* Baled linters and products thereof, cottonseed hulls, cake, and meal produced in the counties of Brooks, Jim Wells, Kenedy, Kleberg, and Nueces, Tex., may be moved interstate therefrom without restriction other than (a) that the products have been produced in an authorized oil mill and subsequently protected from contamination, and (b) that a certificate issued by the United States Department of Agriculture has been obtained and attached to the containers or shipping papers, in accordance with the requirements of § 301.52-11.

The removal of certain treatment requirements for the above-mentioned products is due to the fact that a light infestation of the pink bollworm was discovered in the affected area at the peak of the 1938 ginning season, and facilities were not available for sterilization of the cotton seed from which these products are being manufactured.

This modification shall remain in effect until April 30, 1939: *Provided*, That products manufactured prior to that date will be eligible for certification subsequent thereto. (Issued under § 301.52-4) [BEPQ 492, Chief, BEPQ, Mar. 30, 1939; 4 F.R. 1437]

§ 301.52-4b *Administrative instructions; lifting treatment requirements as to designated articles from certain lightly infested area in New Mexico and Texas.* Baled cotton lint and linters and products thereof, cottonseed hulls, cake, and meal may be moved interstate without restriction from the following area:

New Mexico: Lea and Roosevelt Counties,

Texas: Counties of Andrews, Cochran, Dawson, Ector, Gaines, Glasscock, Hockley, Howard, Martin, Midland, Terry,

Yoakum, and the regulated parts of Bailey and Lamb Counties:

*Provided*, (a) That the products have been produced in an authorized gin or oil mill and subsequently protected from contamination, and (b) that a certificate of the United States Department of Agriculture has been obtained and attached to the containers or shipping papers in accordance with the requirements prescribed in § 301.52-11.

The removal of the treatment requirements until further notice for the above-mentioned products is considered safe, due to the harvesting of the crop late in the season, the inability of the pink bollworm to survive the low temperatures of the winter, and the occurrence late in the season of only a light, sporadic infestation in the areas described. (Issued under § 301.52-4) [BEPQ 493, Chief, BEPQ, Mar. 30, 1939; 4 F.R. 1437]

§ 301.52-4c *Administrative instructions; lifting certain requirements as to samples of lint cotton.* Samples of lint cotton originating in a lightly infested area may be moved interstate without restriction other than (1) that the bales of lint cotton from which the samples are taken have been produced in an authorized gin and subsequently protected from contamination, and (2) that a certificate issued by the United States Department of Agriculture has been obtained and attached in accordance with the requirements of § 301.52-11.

The removal of treatment requirements for samples of lint cotton originating in the lightly infested areas is considered safe owing to the marked improvement in ginning methods and machinery, making it improbable that a sample (approximately 1½ pounds) of cotton lint, drawn from a bale for grading and stapling would contain even one seed in which the pink bollworm might be harboring.

This modification shall remain in effect until further notice. (Issued under § 301.52-4) [BEPQ 494, Chief, BEPQ, Mar. 30, 1939; 4 F.R. 1438]

§ 301.52-5 *Limited permits.* Limited permits will be issued for the movement of noncertified, restricted articles to such gins, oil mills, or processing or manufacturing plants as may be authorized and designated by authority of the Chief of the Bureau of

\*For statutory citation, see note to § 301.52.

Entomology and Plant Quarantine for manufacturing, processing, or treatment incidental to preparing such products for certification. As a condition of such authorization and designation, operators of gins, oil mills, manufacturing or processing plants will agree in writing to handle restricted articles as to segregation of processed and nonprocessed products, as to efficient function of processing equipment, as to disposition of waste, as to use of uncontaminated containers of processed products, as to prevention of contamination of processed products, as to the maintenance of identity of regulated and nonregulated products, and to maintain such other sanitary safeguards against the establishment and spread of infestation and to comply with such other restrictions as to the handling and subsequent movement of restricted articles as may be required by the inspector.\*†

§ 301.52-6 *Restricted articles originating outside the regulated area.* Restricted articles originating outside the regulated area may be certified for interstate movement from a regulated area without processing, treatment, or sterilization: *Provided*, That while in the regulated area these products have been handled and stored in such manner as to maintain identity, and as to prevent infestation, or contamination with other restricted articles originating in the regulated area.\*†

§ 301.52-7 *Cleaning or treating requirements of other articles when contaminated with cotton or cotton products originating within a regulated area.* When contaminated with cotton or cotton products originating within a regulated area, railway cars, trucks, or other vehicles, cotton bagging, or other containers of cotton, cotton processing machinery, farm household goods, farm equipment, farm products, or any other articles shall not be moved interstate from a regulated area until freed from such contamination to the satisfaction of an inspector, after which cleaning or treatment no certificate or permit will be required except for cotton bagging, or other containers of cotton and cotton processing machinery.\*†

§ 301.52-8 *Dealer-carrier permits.* As a condition of issuance of certificates

or limited permits for the interstate movement of restricted articles handled by persons or firms engaged in purchasing, assembling, ginning, processing, or carrying such restricted articles originating or stored in regulated areas, such persons or firms shall make application for a dealer-carrier permit to the Bureau of Entomology and Plant Quarantine, San Antonio, Tex., and agree to maintain an accurate record of receipts and sales, shipments or services, when so required (which record shall be available at all times for examination by an inspector), and agree to carry out any and all conditions, treatments, precautions, and sanitary measures which may be required.\*†

§ 301.52-9 *Cancellation of certificates.* Any certificates, limited permits, or dealer-carrier permits issued under these regulations may be withdrawn or canceled and further certificates or permits refused, whenever, in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of the pink bollworm.\*†

§ 301.52-10 *Alternate treatments to be prescribed by the Chief of the Bureau.* When more effective methods of treatment, processing or sterilization shall have been developed or when methods of treatment, processing or sterilization as stipulated in the regulations hereof are found unsatisfactory by the Chief of the Bureau of Entomology and Plant Quarantine, he is authorized to alter them or substitute other requirements.\*†

§ 301.52-11 *General certification provisions and marking and labeling requirements.* To obtain certificates or limited permits under the regulations in this subpart, application shall be made either to the local inspector or to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio, Tex.

Certificates or permits required under the regulations in this subpart, shall be securely attached to the outside of each container of restricted articles, or, in the case of car-lot or bulk shipments by freight, to the waybills or other shipping papers which accompany the shipment. In the case of movement by road vehicle, such certificate or permit shall accompany the vehicle. Each container of re-

\*For statutory citation, see note to § 301.52.

†For source citation, see note to § 301.52-1.



stricted articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

The United States Department of Agriculture shall not be responsible for any costs incident to inspection or treatment, other than the services of inspectors.\*††

§ 301.52-12 *Shipments for experimental and scientific purposes.* Products and articles subject to restriction in the regulations in this subject may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.\*††

§§ 301.52-13—301.52-16 [Superseded]

NOTE: These sections were superseded by Regulations, Mar. 7, 1939, effective Mar. 15, 1939; 4 F.R. 1162. See §§ 301.52-1—301.52-12.

### Subpart—Mexican Fruitfly

#### RULES AND REGULATIONS

§ 301.64-1 *Definitions.* For the purpose of the regulations in this subpart, the following words shall be construed respectively to mean:

(a) *Mexican fruitfly.* The insect known as the Mexican fruitfly (*Anastrepha ludens* Loew).

(b) *Regulated areas.* The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to § 301.64.

(c) *Host fruits.* Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible.

(d) *Harvesting season.* A period during which host fruits are permitted to be harvested for shipment interstate.

(e) *Host-free period.* A period during which no host fruits are produced or permitted to exist within the regulated area except under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.\*†

\*§§ 301.64-1 to 301.64-8, inclusive, issued under the authority contained in 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

†The source of §§ 301.64-1 to 301.64-8, inclusive, (with exceptions noted in the text,) is Regulations (third revision) supplemental to Notice of Quarantine 64, Secretary of Agriculture, Oct. 10, 1939, effective Oct. 16, 1939; 4 F.R. 4222.

§ 301.64-2 *Regulated area.* In accordance with the provisos to § 301.64, the Secretary of Agriculture designates as regulated area the counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect.\*†

§ 301.64-3 *Restrictions on the interstate movement of fruit from the regulated area—*(a) *Permits required.* Grapefruit, oranges, and other citrus fruits, except lemons and sour limes, shall not be moved interstate from a regulated area into or through any point outside thereof unless a permit has been issued therefor by the United States Department of Agriculture.

(b) *Movement of noncitrus hosts prohibited.* Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see § 301.64-1), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

\*\*For statutory citation, see note to § 301.52.

††For source citation, see note to § 301.52-1.

\*†For statutory and source citations, see note to § 301.64-1.

(c) *No restrictions on lemons, sour limes, and manufactured fruits.* No restrictions are placed by the regulations in this subpart on the interstate movement of lemons, sour limes, or host fruits which have been manufactured or processed in such manner as to eliminate danger of carrying the Mexican fruitfly.

(d) *Movement through regulated area.* No restrictions are placed by the regulations in this subpart on the interstate movement of restricted articles from an area not under regulation through a regulated area when such movement is on a through billing.\*†

§ 301.64-4 *Conditions governing the issuance of permits.* Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.* The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement of the regulations in this subpart and shall be kept free from drops and windfalls during such periods and time as the Chief of the Bureau of Entomology and Plant Quarantine may direct. Such drops and windfalls shall be buried under at least 18 inches of tamped soil, or otherwise disposed of in manner and method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected within 30 days prior to the movement of the fruit concerned and have been found free from Mexican fruitfly infestation.

(b) *Packing-house requirements.* The packer and shipper shall maintain his packing plant in compliance with the sanitation requirements of the State of Texas issued for the suppression of the Mexican fruitfly. The packer shall also maintain a complete record of all receipts and sales or shipments of host

fruits, subject to examination by the inspector.

(c) *Applications.* Persons desiring to purchase, pack, or move grapefruit, oranges, or other restricted citrus fruits interstate from the regulated area shall make application for a permit to the office of the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., as far as possible in advance of the probable date of shipment. Applications shall show the nature and quantity of the fruit it is proposed to move, together with the location at which it will be packed, the name and address of the shipper, and a list of all groves, together with the names and addresses of the owners, from which fruit for packing will be obtained. Each applicant shall file with his application a signed statement in which he agrees (1) to notify the inspector of all additional groves from which fruit for packing will be obtained, (2) not to pack or ship fruit from any grove until he has received written notification from the inspector that the grove has been maintained in compliance with the regulations in this subpart, and (3) to discontinue packing and shipping the fruit from any grove on notification from the inspector of the discovery of an infestation of the Mexican fruitfly in such grove or adjoining groves or of failure on the part of the owner or manager of such grove to comply with any condition of the regulations in this subpart.

(d) *Containers.* Permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.* Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.* Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers



or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancellation of permits.* Permits issued under the regulations in this subpart may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the Mexican fruitfly. After any such permit is withdrawn or has expired, the further use of any permit tags issued thereunder is prohibited.\*†

§ 301.64-4a *Administrative instructions; sterilization of grapefruit and oranges by heat.*

NOTE: Former § 301.64-6a is hereby redesignated as § 301.64-4a, as a result of the renumbering of the regulations supplemental to Notice of Quarantine 64.

§ 301.64-4b *Administrative instructions; requiring sterilization of all grapefruit harvested on and after April 12, 1939.* It is hereby required, as provided in § 301.64-6 (e), that all grapefruit harvested on and after April 12, 1939, in the area regulated under § 301.64, shall be sterilized under approved methods as a condition of issuance of permits for movement of such fruit from the regulated area.

Sterilization of grapefruit has been found necessary to insure against dissemination of Mexican fruitflies, due to the occurrence of such flies in the regulated area. The extension of the harvesting season, it has been determined, may be safely made without increasing the risk of spread of the Mexican fruitflies since sterilization will render grapefruit safe for movement from the regulated area. (Issued under § 301.64-4) [BEPQ 495, Chief, BEPQ, Apr. 7, 1939; 4 F.R. 1549]

§ 301.64-5 *Conditions required in the regulated area.* The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated area under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

(a) *Harvesting season.* The harvesting season of host fruits within the regulated area shall begin on the 1st day of September of each year and end at midnight on April 30 of the following year except that in Dimmit, La Salle, and Webb Counties, the harvesting period for grapefruit shall end on the last day of February: *Provided*, That the harvesting period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve risk of spread of the Mexican fruitfly.

(b) *Host-free period.* A host-free period shall be maintained each year beginning on the 1st day of May and continuing through the last day of August, in the regulated area, except that in Dimmit, La Salle, and Webb Counties, the host-free period for grapefruit shall begin on the 1st day of March and continue through the last day of August: *Provided*, That the host-free period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve risk of spread of the Mexican fruitfly.

Prior to such host-free period each year, all restricted citrus fruit shall be removed from the tree for immediate sale or shipment, or for retention in fly-proof storage approved by the Chief of the Bureau of Entomology and Plant Quarantine, and all other host fruits shall be destroyed either following removal from the trees or by destruction of the trees themselves.

No host fruits shall be permitted to remain on trees or to exist elsewhere within a regulated area at any time during such host-free period except immature citrus fruits which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine are not susceptible to infestation by the Mexican fruitfly.

(c) *Infested zones.* Upon the determination of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone shall be designated by the

\*†For statutory and source citations, see note to § 301.64-1.

State of Texas subject to approval by the United States Department of Agriculture and all host fruits in susceptible stages of maturity produced within such zone shall be destroyed or processed in such a manner as to render them free from infestation.\*†

§ 301.64-5a *Administrative instructions; extending the harvesting season on Valencia oranges from April 30 to June 15, 1939.* Section 301.64-7 (a) is hereby modified to extend the harvesting season for Valencia oranges to the close of June 15 for the year 1939, provided conditions of infestation do not necessitate an earlier closing date.

The host-free period for Valencia oranges, under this modification, will begin June 16 and continue to August 31, 1939, inclusive.

This modification does not affect or alter the harvesting season for grapefruit which closes, under the conditions of the above section, on April 30. (Issued under § 301.64-5) [BSPQ 487, Chief, BEPQ, Jan. 27, 1939; 4 F.R. 498]

§ 301.64-5b *Administrative instructions; extending the harvesting season on grapefruit to the close of May 15, 1939.* Section 301.64-7 is modified to extend the harvesting season for grapefruit to the close of May 15, 1939. The host-free period for grapefruit under this modification, will begin May 16 and continue to August 31, 1939, inclusive. (Issued under § 301.64-5) [BEPQ 495, Chief, BEPQ, Apr. 7, 1939; 4 F.R. 1549]

§ 301.64-6 *Marking requirements.* Every crate, box, or other container of host fruit moved interstate under these regulations shall have securely attached thereto a shipping permit issued under the provisions of § 301.64-4, and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under the regulations in this subpart shall, in addition to the shipping permit on each such container, be accompanied by a master permit showing the number of containers and either the license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.\*†

§ 301.64-6a [Redesignated as § 301.64-4a]

§ 301.64-7 *Inspection in transit.* Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by inspectors at any time or place.\*†

§ 301.64-8 *Shipments for experimental or scientific purposes.* Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.\*†

§§ 301.64-9—301.64-10 [Superseded]

NOTE: These sections were superseded by Regulations, Oct. 10, 1939, effective Oct. 16, 1939; 4 F.R. 4222. See §§ 301.64-1—301.64-8.

## Subpart—Woodgate Rust

### QUARANTINE

§ 301.65 *Notice of quarantine.* [Revoked]

NOTE: This section was revoked July 17, 1939, effective July 31, 1939; 4 F.R. 3337.

### RULES AND REGULATIONS

§§ 301.65-1 to 301.65-6 [Revoked]

NOTE: These sections were revoked July 17, 1939, effective July 31, 1939; 4 F.R. 3337.

## Subpart—Dutch Elm Disease

### RULES AND REGULATIONS

§ 301.71-3 *Regulated areas.* In accordance with the provisos to § 301.71, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart, the counties, townships, towns, cities and boroughs listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.* All of Fairfield County except the towns of Brookfield, New



Fairfield, and Sherman; town of Southbury, in New Haven County; and the town of Woodbury, in Litchfield County.

*New Jersey.* Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, and Union; all of Middlesex County except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; all of Monmouth County except the townships of Freehold, Millstone, Neptune, and Wall, the city of Long Branch, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; all of Sussex County except the township of Walpack; and all of Warren County except the township of Pahaquarry.

*New York.* Counties of Bronx, Dutchess, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, and Westchester; town of Ancram, in Columbia County; all of Orange County except the towns of Crawford, Deerpark, and Wallkill, and the cities of Middletown and Port Jervis; town of Huntington, in Suffolk County; and the towns of Esopus, Lloyd, Marlborough, New Paltz, Plattekill, and Saugerties, and the city of Kingston, in Ulster County. (39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161) [As amended Sept. 6, 1939, effective Sept. 11, 1939; 4 F.R. 3824]

§ 301.71-5 *Control of movement of restricted plants and plant products.* Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this section may be moved interstate from an area not under regulation through a regulated area to a nonregulated area only when such movement is on through billing: *Provided*, That such movement by truck or other road vehicle may not be made during the period

from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease. (39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161) [As amended Sept. 6, 1939, effective Sept. 11, 1939; 4 F.R. 3824]

#### Subpart—White-Fringed Beetle

##### QUARANTINE

§ 301.72a *Administrative instructions; removing under specified conditions, the certification requirements for interstate movement, for all restricted articles originating in foreign countries.* When the following requirements are met, §§ 301.72-4 to 301.72-6 may be safely modified to waive all certification requirements for all regulated areas until further notice, for the interstate movement of all restricted articles imported from foreign countries and moving through a regulated area, when reshipped in the unopened, original container and when each container is clearly marked to indicate the country of origin, and when the articles are protected, while in the regulated areas, in a manner satisfactory to an authorized inspector of the United States Department of Agriculture. Such modification is hereby authorized. (Issued under § 301.72) [BEPQ 488, Chief, BEPQ, Jan. 27, 1939; 4 F.R. 514]

§ 301.72-3a *Administrative instructions; removal of white-fringed beetle certification requirements until July 1, 1939, for specified articles consigned from designated portions of the regulated areas.* All certification requirements are hereby waived during the regulated periods from May 8, to June 30, 1939, inclusive, of the following articles enumerated in § 301.72-3 when free from soil and when consigned from any of the regulated areas in

*Alabama:* Mobile County;

*Florida:* Escambia County;

*Louisiana:* Parishes of East Baton Rouge, Jefferson, Orleans (including the city of New Orleans) and Plaquemines;

*Mississippi:* Counties of Hinds, Jackson, and Pearl River;

it having been determined that sanitary measures and natural conditions have

sufficiently reduced the risk of egg or adult contamination as to render certification unnecessary during the period indicated:

Potatoes and sweetpotatoes.

Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Used or unused lumber, timbers, posts, poles, crossties, and other building materials.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in shells, or the shells of any of these products.

Seed cotton, cottonseed, baled cotton lint, and linters.

Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.

Brick, tiling, stone, and concrete slabs and blocks.

Nursery stock and other plants, which are free from soil.

The restrictions on the interstate movement from any of the regulated areas, of the following articles designated in paragraph (a) (1) of § 301.72-3, as carriers of larvae remain in effect throughout the year:

Soil, earth, sand, clay, peat, compost, and manure whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things. (Issued under § 301.72-3) [BEPQ 485, Chief, BEPQ, Jan. 14, 1939, as revised May 6, 1939; 4 F.R. 395, 1977]

NOTE: This section was amended by the addition of Jefferson, Orleans (including the city of New Orleans), and Plaquemines parishes, by BEPQ 485, revised, May 6, 1939; 4 F.R. 1977. The period of waiver for the parishes mentioned was from May 8 to July 1, 1939.

§ 301.72-3b. *Administrative instructions; removal of white-fringed beetle certification requirements until February 1, 1940, for specified articles consigned from designated portions of the regulated areas.* (a) All certification requirements are hereby waived until February 1, 1940, for the following articles enumerated in § 301.72-3 (a) and (b) when free from soil, it having been determined that sanitary measures and natural con-

ditions have so reduced the risk of contamination with the egg or adult stage of the white-fringed beetle as to render certification unnecessary during the period stated:

(1) When consigned from the regulated parts of the following counties: In Alabama—Mobile County; in Florida—Escambia County; in Louisiana—East Baton Rouge Parish; in Mississippi—Jackson County, certification requirements are waived for the following articles:

Potatoes and sweetpotatoes.

Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Used or unused lumber, timbers, posts, poles, crossties, and other building materials.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in shells, or the shells of any of these products.

Seed cotton, cottonseed, baled cotton lint, and linters.

Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.

Brick, tiling, stone, and concrete slabs and blocks.

Nursery stock and other plants, which are free from soil.

(2) When consigned from the regulated parts of the counties of Hinds and Pearl River in Mississippi, certification requirements are waived for the following articles:

Potatoes and sweetpotatoes.

Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Used or unused lumber, timbers, posts, poles, crossties, and other building materials.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in shells, or the shells of any of these products.

Used implements and machinery, scrap metal, junk, and utensils or con-



tainers coming in contact with the ground.

Brick, tiling, stone, and concrete slabs and blocks.

Nursery stock and other plants, which are free from soil.

(3) When consigned from the parishes of Saint Bernard and Orleans (including the City of New Orleans) and from the regulated parts of the parishes of Jefferson and Plaquemines in Louisiana, certification requirements are waived for the following articles:

Potatoes and sweetpotatoes.

Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Unused lumber, timber, posts, poles, and crossies.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in the shells, or the shells of any of these products.

Seed cotton, cottonseed, baled cotton lint, and linters.

(b) All articles, designated in paragraphs (a) and (b) of § 301.72-3 for which certification requirements are not hereinabove waived, shall remain under the restrictions of the quarantine during the period covered by this section. (Issued under § 301.72-3) [BEPQ 485, 2d rev., Chief, BEPQ, July 7, 1939, as amended July 28, 1939; 4 F.R. 2855, 3451]

NOTE: Paragraph (a) (3) of this section was amended by the addition of St. Bernard Parish, by BEPQ 485, Third Revision, July 28, 1939; 4 F.R. 3451.

§ 301.72-5a *Administrative instructions; authorizing treatment of potting soil*—(a) *Treatment authorized.* Under provisions contained in § 301.72-5 (a), the Chief of the Bureau of Entomology and Plant Quarantine authorizes, as a prerequisite to certification, either of the methods of treatment for "potting soil" stated in paragraphs (b) and (c) when done under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Fumigation treatment method.* (1) Potting soil must be treated in a container with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(2) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a cover or be covered with a tarpaulin immediately after the fumigant is applied.

(3) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(c) *Heat treatment method.* (1) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(2) The grids shall be constructed of 1-inch pipes, perforated with holes  $\frac{3}{8}$  inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(3) The layer of soil in the sterilizing box shall not be more than 2 feet, 6 inches deep.

(d) *Disclaimer.* In authorizing the movement of potting soil treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury resulting from the use of these treatments.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants. It is a poison, and the operator should use an approved gas mask when exposed to the gas at concentrations used in fumigation.

After fumigation of potting soil by the above method, the cover should be removed and the soil allowed to aerate. (Issued under § 301.72-5) [BEPQ 489, Chief, BEPQ, Jan. 28, 1939; 4 F.R. 514]

§ 301.72-5b *Administrative instructions; authorizing treatment of plants in pots or in soil-balls not exceeding 3 inches in diameter*—(a) *Treatment authorized.* Under provisions contained in § 301.72-5 (a), the Chief of the Bureau of Entomology and Plant Quarantine authorizes as a prerequisite to certification, the method of treatment stated in par-

agraph (b) for certain kinds and sizes of potted and balled and burlapped plants, when done under the supervision of an authorized inspector of the U. S. Department of Agriculture.

(b) *Fumigation treatment method.*

(1) Fumigation must be done with methyl bromide at a dosage of 1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil in which the pots are planted and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(2) Such fumigation shall apply only to plants in 3-inch pots or smaller, or in soil-balls not larger than those which would be contained in 3-inch pots, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or soil-ball.

(3) The fumigation shall be done in a tight chamber with gastight doors.

(4) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein and the air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(c) *Suggestions.* (1) A fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(2) A list of plants, which have been fumigated experimentally with methyl bromide according to the recommendations here given and are classified as to their ability to withstand such treatment as indicated by these experiments, is attached.

(d) *Disclaimer.* In authorizing the movement of potted plants or nursery stock fumigated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury resulting from the use of the fumigant.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants. It is a poison, and the operator

should use an approved gas mask when exposed to the gas at concentrations used in fumigation. The plants in the fumigation chamber should be well aerated by blowing air through them and the room adequately ventilated before it is entered. (Issued under §301.72-5) [BEPQ 486, Chief, BEPQ, Jan. 28, 1939; 4 F.R. 513]

NOTE: The following plants, known to the trade by the following names, have been fumigated in up to 3-inch pots with methyl bromide at the rate of one pound per 1,000 cubic feet for 4 hours at 85° F. with the results indicated:

No injury to the following:

*Areca lutescens*  
*Aspidistra lurida*  
 Boston fern  
 Cape-jasmine (Gardenia)  
 Christmas cactus  
*Codiaeum*, corkscrew croton  
*Codiaeum croton* Robt. Craig  
*Codiaeum croton punctatum*  
*Cressulus arborences*  
*Dracaena*, massange  
*Ficus elastica* (variegated)  
*Ficus elastica* (green)  
*Ficus nitida*  
 Habrus and Hahns ivy  
*Latania barbonica*  
 Nephthedes  
 Norwood fern

*Pandanus veitchi*. Plants which have pure white leaves not to be fumigated

*Pedilanthus*  
*Peperomia* (green)  
*Peperomia* (variegated)  
*Philodendron cordatum*  
*Phoenix roebelinii*  
*Sansevieria*

Injury not severe—confined to shedding some of lower, older leaves, to the following:

*Dracaena*, M. Story  
*Dieffenbachia*  
*Bicus pandurata*  
 Hibiscus (red)  
 Poinsettia

Injury very severe to the following—fumigation not recommended:

*Allamanda johnsoni*  
*Chrysanthemum*  
*Dracaena warneckii*  
*Pothos wilcoxii*

§ 301.72-5c *Administrative instructions; authorizing treatment by methyl bromide solution of balled nursery stock not larger than 6 inches in thickness.* It has been determined after investigation by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, that balled nursery stock can safely and successfully be treated with methyl bromide solution for the control of larvae of the



white-fringed beetle (*Pantomorus leucoma* Boh. and *P. peregrinus* Buch.).

(a) *Treatment authorized.* Under the provisions of § 301.72–5 (a), the Chief of the Bureau of Entomology and Plant Quarantine hereby authorizes as a prerequisite to certification, the following method of treatment for balled plants, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Type of material authorized.* The treatment shall be applied only to plants in soil balls not greater than 6 inches in diameter or greater than 6 inches in thickness when not spherical.

(c) *Treatment method.* (1) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays approximately 1 foot deep, which are watertight.

(2) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(3) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(4) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(5) After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 24 hours.

(6) The temperature of the soil balls during the treatment shall not be lower than 70° F.

(d) *Disclaimer.* There has been no opportunity to test this treatment on many varieties of plants, and it is understood that no liability shall attach either to the United States Department of Agriculture or its employees in the event of injury to either plants or operators.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless, and in prepar-

ing the solution the operator should wear an approved gas mask. (Issued under § 301.72–5) [BEPQ 503, Chief, BEPQ, Nov. 21, 1939; 4 F.R. 4667]

## PART 319—FOREIGN QUARANTINE NOTICES

### Subpart—Fruits and Vegetables

#### RULES AND REGULATIONS

§ 319.56–2b *Administrative instructions; conditions governing the entry of acorns and chestnuts*—(a) *Countries other than Canada.* The importation of acorns and chestnuts into the United States for purposes other than propagation, from all foreign countries and localities, except Canada, is authorized under permit under the provisions of § 319.56 as follows:

(1) *Authorized ports of entry.* Permits are issued on any port in the United States where this Bureau maintains inspection service in the enforcement of foreign plant quarantines.

(2) *Inspection.* All shipments are subject to inspection as a condition of entry.

(3) *Freedom from living stages of injurious insects.* Shipments shall be free of living stages of injurious insects including the European codling moth, *Laspeyresia* (*Carpocapsa*) *splendana*, and chestnut weevils, *Balaninus* spp., as a condition of release.

(4) *Infested shipments.* A shipment found to be infested with living stages of injurious insects shall be immediately destroyed unless in the judgment of the inspector it can be disposed of under adequate safeguards as the inspector may require in regard to handling, routing, etc., in one of the following ways:

(i) Immediate exportation.

(ii) Treatment at the first port of arrival.

(iii) Shipment from a port of arrival where no treatment facilities are available to a port where such facilities are available.

(5) *Approved treating plants.* Shipments required to be treated as a condition of entry shall be treated under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine at

plants approved for the purpose by this Bureau. Approved plants are at present located at New York, San Pedro (Los Angeles), San Francisco, and Seattle.

(b) *Canada*. Acorns and chestnuts grown in and shipped from Canada are enterable without permit or other restriction when imported for purposes other than propagation. (Issued under § 319.56-2) [BEPQ 501, Chief, BEPQ, Aug. 21, 1939; 4 F.R. 3722]

§ 319.56-2f *Administrative instructions; conditions governing the entry of cipollini from Morocco*. Shipments of cipollini (*Muscari comosum*) from Morocco have frequently been found infested at time of entry with an injurious insect, *Exosoma lusitanica*, not known to occur in the United States. The limited type of inspection at our disposal is not considered adequate to detect all cases of infestation and, since the effectiveness of methyl bromide fumigation in freeing this product from the insect in question is now well established, it has been de-

cided to require this fumigation as a condition of entry for future shipments.

On and after December 7, 1939, therefore, fumigation with methyl bromide will be a condition of entry for all shipments of cipollini from Morocco. This treatment shall be carried out under the supervision of a plant quarantine inspector at the expense of the importer, and release of the shipment will be withheld until the treatment has been completed. In addition to fumigation only such inspection will be given as the inspector may judge necessary from time to time to determine pest conditions on arrival or to assure himself of the effectiveness of the treatment.

The entry of cipollini from Morocco may be made only through the ports of New York and Boston at which ports facilities for vacuum fumigation with methyl bromide, as herein required, are available. (Issued under § 319.56-2) [BEPQ 504, Chief, BEPQ, Dec. 7, 1939; 4 F.R. 4817]

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